

## **Community Corrections Council November 7, 2003**

The Community Corrections Council of the Nebraska Commission on Law Enforcement and Criminal Justice met Friday, November 7, 2003, at 9:00 a.m., in room 1023 of the Nebraska State Capitol Building, Lincoln, Nebraska. Notice of the meeting was published October 24, 2003 in the Lincoln Journal Star.

### **Call to Order**

The meeting was called to order at 9:05 by Chairman Brashear. Those in attendance: Scot Adams, Ed Birkel, Kermit Brashear, William Burgess, Catherine Cook, Steve King for Harold Clarke, Allen Curtis, Aileen Gruendel, John Icenogle, Julie Hippen, Joe Kelly, Linda Krutz, Robert Lindemeier, Jim McKenzie, Joe Steele, John Synowiecki, and Ken Vampola. Karen Flowers asked to be excused. Also in attendance were Howard Kensinger, Legislative Fiscal Council; Barbara Thomas, HHS; Frank Goodroe, who will take Joe Steele's position as court administrator at the end of the year; Julie Rogers, Legal Counsel; Marlis Sanders, Friends and Families of Inmates; and Barbara McCreight, Crime Commission.

Staff was asked to check on possible parking arrangements for future meetings held at the Capitol.

### **Approval of Minutes**

There being no additions or corrections to the minutes of the October 10, 2003, meeting, the minutes stood approved as presented.

### **Open Meetings Process & Procedure**

Brashear stated the Council is a public body subject to the open meetings law. All meetings will be advertised and open to the public. A decision to go into executive session (closed session) can be made by the Council upon a vote of the majority. Public input will not be required at every meeting but when solicited, it will be noted on the agenda and each presentation will be limited to 3-5 minutes. The minutes of the meeting will record public comment verbatim.

It was noted the Council is composed of 11 voting and 7 non-voting members. A quorum of 6 members was established based on a majority of voting members. All votes will be taken by roll call vote.

## **Review & Discussion of Past Efforts**

'93 Task Force on Prison Alternatives (Attachment A) and  
'02 Community Corrections Working Group Final Report (Attachment B)

The Council noted the state's previous efforts addressing prison alternatives began in the 1980's. In 1993 the Community Corrections Act was passed but did not receive an appropriation of funds from the state to implement recommended changes. The lack of adequate resources and community leadership prevented the programs from moving forward. The passage of LB 46 included a source of funding through court fees and parole/probation fees.

The Council's role and jurisdiction over the funds and contracts were discussed. It was noted the Council does not have funds exclusively under its control and beyond the agencies. However, the Council has jurisdiction through statute over how the funds are to be expended. LB 46 requires a cooperative effort by the agencies and the Council.

It was noted that a successful community corrections program requires a uniform organizational structure, funding to develop ideas, and the commitment of local communities.

The Council discussed the need to establish its role in working with agencies to coordinate efforts as they seek and acquire grant awards to address projects associated with the Council's goals. It was noted a recent grant award was received by the Department of Corrections which includes funds to develop and validate a risk assessment tool for violent offenders. Since this is a similar need of the Council, it was questioned if an overlapping of efforts could be prevented. Steve King was asked to furnish the grant proposal for further discussion at a future meeting.

It was noted that the Corrections' grant is directed at violent offenders and that the LB 46 population does not include juveniles or violent offenders. It was also noted that cooperation among participating agencies is essential but that agencies also must do their own day-to-day operations.

The Council took a 15 minute break at 10:40 a.m. Catherine Cook and Ken Vampola were excused.

## **Power & Authority of the Community Corrections Council (Attachment C)**

The Council reviewed its charge as outlined in Section 36 of LB 46. The following points were discussed:

- < Sentencing guidelines are to be developed for felony drug offenses and presented to the Supreme Court by July 1, 2004. It will be up to the court to determine how and whether to implement the guidelines.
- < A plan for statewide use of community correctional facilities and programs is to be developed and implemented. Brashear and staff will begin to draft the report. Draft copies will be distributed for the Council's input.
- < The Council is to analyze and mandate the consistent use of offender risk assessment tools. The Council discussed the need to develop and then validate a tool for both types of populations (probation & parole). A risk assessment instrument is based on dynamic and static risk factors. Validation is obtained by gathering measurable data. It was noted that factors differ at different points in the system and that developing one tool to serve both populations could be difficult. Although common risk factors can be identified from one jurisdiction to another, the tool needs to be developed and validated to a particular population. A determination needs to be made as to what risks are being measured.

Probation and Parole were asked to provide a sample of their risk assessment tools so members could see what they include.

It was suggested that the Vera Institute provide a training to the Council on risk assessment tools before further discussion by the Council.

## **Issue Identification and Discussion**

An issue identification outline was distributed to members.

- < The Council discussed the need to identify services available to probation and parole. There was special interest in the level and availability of mental health and substance abuse services across the state. Questions were raised as to how parole and probation monitor their clients, and what the ratio is of officers to parolees/probationers. The Council noted the need to provide support services for the two agencies.

McKenzie offered to share with the Council a listing of resources available to parole. It was noted that programs and access to services do differ across the state. A concern was also expressed as to how the possible closing of the

regional centers could impact the community corrections efforts.

- < In order to better understand the roles and functions of Parole and Probation, it was suggested that their annual reports be available for members to review.
- < The Crime Commission's data group is working to gather information about the parole and probation populations. The second piece is to break down that information to deal with drug offenders. The group also plans to survey probation and parole officers about needs and services. It was suggested that as agencies are surveyed, that the process allow for narrative comments by the line officers. Curtis suggested it would be a year before the data system will be able to predict outcomes.
- < The Council identified the following priority issues: Identifying the target population; identifying current community corrections programming; identifying community corrections programming needs; and developing offender risk assessment tools. In addition, there may be needs identified that will require legislative efforts to make statutory changes.
- < Corrections will provide data to provide a snapshot of their population.

### **Working Lunch**

At 12:15 the Council took a 15 minute break to distribute lunches.

### **Access to Vera**

The Vera Institute of Justice provided technical assistance to the prior working group. Vera has worked with multiple states in developing corrections programs. Their presentations to the working group created a learning process for members. Since the Council has varied levels of knowledge and experience, it was suggested that training by Vera could be beneficial to members.

### **Outline & Timeline Recap**

1. Brashear offered to have staff begin to draft an outline of the definition of community corrections; the goals of community corrections; and the purposes of community corrections. The draft would then serve as the beginning point for the Council to develop the community corrections plan. The final document would require acceptance by the Council through a vote.

2. A training program will be scheduled with Vera for the next meeting to provide members with a common base of knowledge and understanding.
3. Members were asked to provide information to the Council on their agency's target population, current community corrections programming and needs.
4. A presentation by the data committee was requested for the next meeting.
5. Administration of community corrections will be addressed at the next meeting. It was suggested that Vera present this portion of the meeting. Presentations would also include identifying the target populations, identifying current community corrections programming, and identifying community corrections programming needs. If time permits, Vera could also address offender risk assessment tools.
6. It was determined that the Council was not ready to conduct a survey. The Council will determine what needs to be collected, how to obtain narrative feedback from line officers, etc., and who should be included in the survey.

### **Adjournment**

There being no further business, the meeting adjourned at 1:20 p.m.

The next meeting of the Council will be held Friday, December 12, 2003, at 9:00 a.m., in the Judicial Hearing Room of the State Capitol, Lincoln, Nebraska.

Respectfully submitted,

Barbara McCreight  
Administrative Assistant